

May 12, 2008

Memo to File (Utah County: Sites Not Needing a Permit)

From: Lynn Kunzler, Sr. Reclamation Specialist



Subject: Site Inspection – Site Near Saratoga Springs, Utah

On May 1, 2008, I checked on the potential mining operation (as per phone conversation of a citizen with Jim Springer). Upon arrival at the site, I met with Mike McPhilomy Jr. (Mike McPhilomy Sr. arrived shortly thereafter). I explained why I was there, and made reference to the KSL news report on sand and gravel operations. I discussed a brief history of permitting of such operations with the Division.

This operation was definitely removing material from bedded limestone. The northern boundary abutted the playground of the Saratoga Shores Elementary School. However, I do not consider this a mining operation for the following reasons and observations that I made (I also took photos of the site):

1. McPhilomy's were developing building lots for a planned and approved development.
2. Curb for the roads had been poured and paving will take place as soon as weather permits (it would have been paved today had it not been for the snow storm and freezing temperatures.)
3. Water and sewer had been installed (near the road) and some electric had been run.
4. While some materials have been removed from the site, most rock will be used within the project area to construct rock walls and riprap slopes.
5. Unconsolidated materials were being screened to remove rock and make a suitable 'topsoil' to spread around the houses that would be constructed.

Since the Division practice in the past has not been to require mining permits once building permits were issued, I believe that this would apply here as well.

Mike Sr. indicated that the developer had called the Division regarding mining permits that may be required in December, 2007 - he was told no permit would be required provided the development work was approved.

Utah County Planning and Zoning has not indicated that this should be considered a mining operation.

I recommend that if Jim Springer has the name/phone number of the informant, that the individual be contacted, thanking them for the call, and informing them that the Division inspected the site and determined that this was a site preparation for an approved sub development, and that a mining permit is not required.

Photos were taken of the site.

LK:pb

cc: Jim Springer, DOGM

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Photos of Site near Saratogo Springs, Utah

